

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of Federal Communications)
Commission Notice of Proposed Rulemaking) Docket No.
06-121
(NPRM) on Media Ownership,)

Comment of BE THE MEDIA on the Federal Communications Commission
Notice of Proposed RuleMaking (NPRM) on Media Ownership.

A. INTRODUCTION

BE THE MEDIA is a grassroots community media advocacy group dedicated to strengthening community through media, using activism, advocacy and education.

On June 21, 2006, the Federal Communications Commission (FCC) initiated its Quadrennial Regulatory Review of Broadcast Ownership Rules, and is seeking comment through a formal Notice of Proposed Rulemaking (NPRM). The following comments on this NPRM are hereby submitted to the FCC today by BE THE MEDIA.

With this background, BE THE MEDIA Respectfully Submits the following Comment to the Federal Communications Commission in this proceeding:

Democracy demands diversity of opinion

Protect the First Amendment

The public has the constitutional right to communicate in an uninhibited marketplace of ideas. The purpose of the First

Amendment is to preserve that right.

As stated by the US Supreme Court in *Red Lion Broadcasting Co. V. FCC*, 395 U.S. 367:

"It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail rather than to countenance monopolization of that market, whether it be by the government itself or a private licensee. It is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC."

Just a Few Corporations Control The Media

Over the last twenty years, corporate ownership concentration has led to steep declines in female, minority and local ownership opportunities and the homogenization of content in radio, television and newspapers.

In truth, just a few corporations control most of what Americans see, hear and read.

Ownership Matters – Female and Minority Ownership “a national disgrace”

A September 2006 study by FreePress.net found that media concentration has crowded out female and minority ownership of broadcast TV stations. For example:

- Females comprise 51% of the US population, but own just 4.97% of all TV stations
- Minorities comprise 33% of the US population, yet own just 3.26% of all TV stations
- 91% of African-American TV households are not reached by a black-owned TV station

FCC Michael Copps himself stated “This isn’t just a problem. It’s a national disgrace.”

FCC Buried 2003 Reports Showing Dangers of Ownership Concentration

In September 2006, it was revealed that FCC officials had blocked the release of major reports commissioned in 2003 that clearly showed the dangers of media ownership concentration in broadcast TV and radio. For example:

- One report found in 2004 that locally-owned TV stations provide 20% more local news than stations owned by remotely-owned corporations.
- The Review of the Radio Industry report showed the negative effects of the deregulatory 1996 Telecommunications Act in radio. The number of commercial radio stations increased 5.9%, but the number of independently owned radio stations decreased 35%.

These suppressed studies came to light only after FCC whistleblower Adam Candeub, at the time a lawyer in the FCC's Media Bureau, leaked them to Senator Barbara Boxer in September 2006. Boxer raised the issue during re-confirmation hearings for FCC Chairman Kevin Martin. Boxer said she was "dismayed that this report, which was done at taxpayer expense more than two years ago, and which concluded that localism is beneficial to the public, was shoved in a drawer," and requested that the FCC "examine whether it was then or is now the practice of the FCC to suppress facts that are contrary to a desired outcome."

The FCC Needs to Take Ownership, Seriously

The Associated Press reported that upon seeing the results, senior officials at the FCC ordered that "every last piece" of the studies be destroyed. So far, neither current FCC Chairman Martin nor prior FCC Chair Michael Powell has taken any ownership responsibility for the suppression of these reports, even though the suppression occurred under their watch.

Protect and Nurture Ownership Diversity

The main goal of any action being considered by the Federal Communications Commission should be the protection of diversity in media ownership. The FCC should stop cherry-picking reports, and stand firmly in favor of a diverse, equitable and fair media marketplace.

Prior to enacting any new rules on media ownership, BE THE MEDIA

urges the FCC to:

1. Engage the public through local hearings and comments;
2. Encourage independent, local, diverse and non-commercial media creation and ownership;
3. Support net neutrality rules that treat all information and users as equals.

Communication is a Fundamental Human Right

Everyone has the right to communicate, not just those with the loudest microphones, the most expensive studio or the widest distribution network.

The FCC must "preserve an uninhibited marketplace of ideas in which the truth will ultimately prevail."

Democracy demands and requires nothing less.

Respectfully Submitted,
BE THE MEDIA

David Mathison
BE THE MEDIA
October 23, 2006